

**ORDINANCE NO. 1856**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN BY ADOPTING CERTAIN TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN AND ADOPTING THE MILWAUKIE TITLE 4 LANDS MAP AS AN ANCILLARY MAP, AS RELATED TO METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLE 4 COMPLIANCE.**

**Milwaukie Community Development Application CPA-98-05-B**

**WHEREAS**, the Metro Urban Growth Management Functional Plan requires that cities and counties in the Metropolitan Service District demonstrate timely compliance with its provisions; and

**WHEREAS**, on August 19, 1998, after an extensive public involvement process, the Milwaukie City Council adopted the Milwaukie Functional Plan Compliance Report that enumerates recommended changes to the City's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance; and

**WHEREAS**, the Functional Plan Compliance Steering Committee, consisting of three Planning Commission members and three Neighborhood District Association Land Use Committee Chairpersons, was formed to assist the development of proposed code changes to implement the recommendations of the Functional Plan Compliance Report; and

**WHEREAS**, all required referrals and notices of public hearings on the proposed amendments have been made; and

**WHEREAS**, the proposed amendments were subject to an extensive public involvement process, including: a notice of public hearings to be held on January 26, 1999 and February 16, 1999 that was mailed to all property owners in the City; and a public open house held on January 13, 1999; and

**WHEREAS**, the Planning Commission held public hearings on January 26, 1999, and February 9, 1999; and

**WHEREAS**, on February 9, 1999, the Milwaukie Planning Commission adopted a motion recommending the City Council approve the amendments to the Milwaukie Comprehensive Plan as shown in Exhibit 1; and

**WHEREAS**, the City Council held work sessions on February 1, 1999 and March 15, 1999; and

**WHEREAS**, the Milwaukie City Council held public hearings on February 16, 1999 and April 6, 1999.

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings.** Findings of fact in support of these amendments contained in application CPA-98-05.

The proposed amendments contained in Exhibit 1 of this ordinance are consistent with the provisions of Milwaukie Comprehensive Plan Chapter 2-Plan Review and Amendment Process as follows.

**Objective # 1 – Amending the Plan**

**Review, revise, and amend the Comprehensive Plan on a regular basis, assuring that the Plan and implementing ordinances meet regional, State, and Federal guidelines.**

**Policies**

1. **Ensure adequate monitoring of the Plan by maintaining a factual database which will enable citizens to judge the effectiveness and desirability of Plan policies. Monitoring information may include, but is not limited to, population, vacant lands, traffic volumes, public facility capacities, and economic information.**
  - a. The proposed amendments and map adoption seek to protect certain land resources and manufacturing, industrial, distribution uses and their supporting uses based upon an identification of those areas that warrant such protection. These areas are shown on Milwaukie Title 4 Lands map, April 6, 1999 adopted by this Ordinance as a map ancillary to the Milwaukie Comprehensive Plan.
  - b. The Milwaukie Title 4 Employment and Industrial Lands affect a total of 139.3 acres. All mapped Employment and Industrial areas are located in areas designated “industrial” as shown on Milwaukie Comprehensive Plan Map 7-Land Use. The proposed text amendment and map adoption strengthen existing Comprehensive Plan land use policies concerning preservation of industrial uses.
2. **The Comprehensive Plan Review Committee (CPRC, see Citizen Involvement Element), which will be appointed by the City Council, will coordinate and conduct a major Plan review every five years and an interim plan review between years two and three of the five year cycle. The CPRC will submit a report to the Planning Commission**

**containing any recommended changes. The Planning Commission will hold at least one public hearing on any proposed modifications to the Plan and forward its recommendations to the City Council.**

This policy applies only to programmed periodic reviews and is not applicable to the Metro Growth Management Functional Plan compliance amendments.

- 3. Individuals, the Planning Commission, or the City Council may request Plan amendments at any time separate from the normal Comprehensive Plan application process. A request by an individual will be considered by the Planning Commission, who may initiate further formal consideration of a Plan amendment if it is determined the proposed change is in the public interest. The Planning Commission should also hold a public hearing annually to evaluate issues related to the Plan or recommend Plan changes. A report of its public hearing will be provided to the City Council who may approve it or take further action as required.**

This policy encourages consideration of the Comprehensive Plan and comprehensive planning issues outside the normal process of periodic review. The proposed amendments are consistent with the policy.

- 4. Submit copies of proposed Plan changes to affected governmental units at the draft amendment stage and following final adoption of changes.**

The proposed amendments have been submitted to Metro, Oregon Department of Land Conservation and Development, and Oregon Department of Transportation. Amendments adopted by this Ordinance will be submitted to these agencies.

- 5. All proposed legislative Comprehensive Plan amendments will be considered at advertised public hearings before the Planning Commission and City Council. At least 30 days prior to a public hearing, a public notice shall be printed in a local newspaper and will appear on the public information cable television station. A second notice will appear at least ten days prior to the public hearing.**

Comprehensive Plan text amendments are identified as legislative actions in Milwaukie Zoning Ordinance Section 1011.5. Notice of the Planning Commission and City Council hearings have been published in accordance with the requirements of this policy and pursuant to provisions of the Oregon General Statutes. The February 1, 1999 and March 15, 1999 work sessions and the February 16, 1999 and April 6, 1999 public hearings on the proposed amendments were televised on the City's cable access station.

6. **If the proposed amendment is quasi-judicial, notice of the requested change will be mailed to all residents within 400 feet of the property under consideration at least 30 days prior to the public hearing. Newspaper notice in accordance with the requirements for legislative plan amendments is also required.**

This policy does not apply to City Council action on this ordinance.

7. **All Plan amendments will be evaluated based upon the following criteria.**

- a. **Conformance with applicable Comprehensive Plan goals, policies, and objectives.**

The amendments are consistent with the Comprehensive Plan; they preserve its intent, goals, and policies. There are no departures from stated goals and policies.

- b. **Consistency of proposed development with the intent of the underlying zone.**

The amendments do not result in any development. The above criterion does not apply.

- c. **The amendments meet or can reasonably meet applicable regional, state or federal regulations.**

The purpose of the amendments is to meet Metro regional policy. There are no applicable federal policies. The amendments are consistent with Oregon Statewide Planning Goals.

- d. **The proposed amendments demonstrate existing or planned public facilities and are sufficient to accommodate anticipated development.**

The amendments do not change existing development potential. This criterion does not apply.

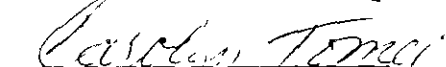
**Section 2.** The Milwaukie Comprehensive Plan is amended as described in Exhibit 1.

**Section 3.** The Milwaukie Comprehensive Plan is amended by adoption of the ancillary Milwaukie Title 4 Lands Map dated April 6, 1999, as shown in Exhibit 2.

Read the first time on April 6, and moved to a second reading by 5 - 0 vote of the City Council.

Read the second time and adopted by the City Council on April 6, 1999


Signed by the Mayor on April 6, 1999

  
Carolyn Tomei, Mayor

ATTEST

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Pat Duval, City Recorder

APPROVED AS TO FORM  
RAMIS CREW CORRIGAN &  
BACCACH, LLP

  
\_\_\_\_\_  
City Attorney

# **EXHIBIT 1**

## **Amendments to the Comprehensive Plan (Ord. 1437) Community Development Application CPA-98-05-B**

*Strikeout-text = text to be deleted.*

*Underline text = text to be added.*

### **TITLE 4 AMENDMENTS**

#### **CHAPTER 4 – LAND USE**

##### **Economic Base and Industrial/Commercial Land Use Element**

##### **Objective #4 – Industrial Land Use**

##### **New Policies 3 & 4**

3. Lands designated for industrial use as shown on Map 7, Land Use, should be reserved for industrial, manufacturing, distribution, and supporting land uses.
4. Lands located in "Employment" and "Industrial" areas shown on the Milwaukie Comprehensive Plan Title 4 Lands Map are reserved for manufacturing, industrial, distribution, and supporting land uses, for the purpose of preserving land supply for industrial uses and ensuring adequate opportunity for uses with high employment density. Development of large-scale retail uses is inappropriate on these lands.

# **EXHIBIT 1**

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### **Community Development Application CPA-98-05-B**

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# City Of Milwaukee

## METRO Title IV Lands



 EMPLOYMENT AREA  
 INDUSTRIAL AREA



Exhibit 2



Memo to: Mayor & City Council

Through: Dan Bartlett, City Manager  
Martha Bennett, Assistant City Manager *MMS*  
Jim Crumley, Planning Director

From: John Gessner, Associate Planner *JG*

Date: March 26, 1999

Re: **Comprehensive Plan Amendment Application  
CPA-98-05-B  
Functional Plan Title 4 Amendments**

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**Action Requested**

**Consideration and adoption of Comprehensive Plan amendments related to Metro Functional Plan Title 4 compliance.**

**Recommendation**

**That the City Council adopt the ordinance in Exhibit 1, thereby amending Milwaukie Comprehensive Plan by adoption of policies preserving industrial lands and by adoption of the Milwaukie Title 4 Lands Map.**

**Proposed motion for adoption:**

**"I move that Community Development Application CPA-98-05-B for text amendments to Milwaukie Comprehensive Plan Chapter 4-Land Use and for adoption of the Milwaukie Title 4 Lands map, as shown in Exhibit 1 be approved....( the ordinance is to be read in title only.)**

**Executive Summary**

- 1. Metro Urban Growth Management Functional Plan Title 4 seeks to protect manufacturing and industrial land resources and high employee-density industrial or manufacturing uses from loss to "big box" retail uses. Title 4 requires amendments to the Comprehensive Plan and Zoning Ordinance. Zoning amendments are proposed under a separate ordinance.**